

may be necessary for each succeeding fiscal year thereafter to carry out the provisions of this chapter.

(Pub. L. 91-345, §7, July 20, 1970, 84 Stat. 442; Pub. L. 102-95, §6, Aug. 14, 1991, 105 Stat. 479.)

#### AMENDMENTS

1991—Pub. L. 102-95 amended section generally. Prior to amendment, section read as follows: "There are hereby authorized to be appropriated \$500,000 for the fiscal year ending June 30, 1970, and \$750,000 for the fiscal year ending June 30, 1971, and for each succeeding year, for the purpose of carrying out the provisions of this chapter."

### CHAPTER 35—ENVIRONMENTAL EDUCATION

#### CODIFICATION

The Environmental Education Act, which comprised this chapter, contained appropriation authorizations for fiscal years 1971 to 1977. The Act was superseded by part H of title III of Pub. L. 89-10, as added by Pub. L. 95-561, title III, §301(a), Nov. 1, 1978, 92 Stat. 2217, known as the Environmental Education Act of 1978, which was classified to section 3011 et seq. of this title, prior to repeal by Pub. L. 97-35, §587(a)(1).

#### §§ 1531 to 1536. Omitted

#### CODIFICATION

Section 1531, Pub. L. 91-516, §2, Oct. 30, 1970, 84 Stat. 1312; Pub. L. 93-278, §4, May 10, 1974, 88 Stat. 121, set forth Congressional declaration of findings and purpose of Environmental Education Act.

Section 1532, Pub. L. 91-516, §3, Oct. 30, 1970, 84 Stat. 1312; Pub. L. 93-278, §§2, 5, 6, May 10, 1974, 88 Stat. 121; Pub. L. 94-273, §3(15), Apr. 21, 1976, 90 Stat. 376, established an office of environmental education, authorized grants and contracts, and established an Advisory Council on Environmental Education.

Section 1533, Pub. L. 91-516, §4, Oct. 30, 1970, 84 Stat. 1315, related to technical assistance to eligible agencies and organizations.

Section 1534, Pub. L. 91-516, §5, Oct. 30, 1970, 84 Stat. 1315, authorized grants to nonprofit organizations.

Section 1535, Pub. L. 91-516, §6, Oct. 30, 1970, 84 Stat. 1315, related to administration of the Act.

Section 1536, Pub. L. 91-516, §7, Oct. 30, 1970, 84 Stat. 1315; Pub. L. 93-278, §3, May 10, 1974, 88 Stat. 121, authorized appropriations to carry out the purposes of the Act.

### CHAPTER 36—EMERGENCY SCHOOL AID

#### §§ 1601 to 1619. Repealed. Pub. L. 95-561, title VI, §601(b)(2), Nov. 1, 1978, 92 Stat. 2268

Section 1601, Pub. L. 92-318, title VII, §702, June 23, 1972, 86 Stat. 354, related to Congressional findings and purpose with respect to this chapter.

Section 1602, Pub. L. 92-318, title VII, §703, June 23, 1972, 86 Stat. 354, related to policy of the United States with respect to application of certain provisions of Federal laws.

Section 1603, Pub. L. 92-318, title VII, §704, June 23, 1972, 86 Stat. 355; Pub. L. 93-380, title VI, §§641(a), 642(a), Aug. 21, 1974, 88 Stat. 587; Pub. L. 94-482, title III, §321(a)-(c)(1), Oct. 12, 1976, 90 Stat. 2216; Pub. L. 95-561, title VI, §601(b)(1), Nov. 1, 1978, 92 Stat. 2268, authorized appropriations for purpose of carrying out this chapter.

Section 1604, Pub. L. 92-318, title VII, §705, June 23, 1972, 86 Stat. 355, related to apportionment to States of sums appropriated pursuant to section 1603(a) of this title for grants and contracts.

Section 1605, Pub. L. 92-318, title VII, §706, June 23, 1972, 86 Stat. 356; Pub. L. 93-380, title VI, §643(a), (b), Aug. 21, 1974, 88 Stat. 587; S. Res. 4, Feb. 4, 1977, related to eligibility for assistance.

Section 1606, Pub. L. 92-318, title VII, §707, June 23, 1972, 86 Stat. 359; Pub. L. 94-482, title III, §321(c)(2), Oct. 12, 1976, 90 Stat. 2217, related to authorized activities with respect to financial assistance.

Section 1607, Pub. L. 92-318, title VII, §708, June 23, 1972, 86 Stat. 360; Pub. L. 93-380, title VI, §§644, 645, Aug. 21, 1974, 88 Stat. 588; Pub. L. 94-482, title V, §501(a)(12), Oct. 12, 1976, 90 Stat. 2235, related to special programs and projects with respect to financial assistance.

Section 1608, Pub. L. 92-318, title VII, §709, June 23, 1972, 86 Stat. 361; Pub. L. 93-380, title II, §222, title VI, §642(b), Aug. 21, 1974, 88 Stat. 519, 587; Pub. L. 94-482, title V, §501(i), Oct. 12, 1976, 90 Stat. 2237, related to availability of sums for metropolitan area projects.

Section 1609, Pub. L. 92-318, title VII, §710, June 23, 1972, 86 Stat. 362; Pub. L. 93-380, title VI, §643(c), Aug. 21, 1974, 88 Stat. 587; Pub. L. 94-482, title III, §323(a)(5), Oct. 12, 1976, 90 Stat. 2218, related to applications for assistance.

Section 1610, Pub. L. 92-318, title VII, §711, June 23, 1972, 86 Stat. 366, related to availability of funds for educational television.

Section 1611, Pub. L. 92-318, title VII, §712, June 23, 1972, 86 Stat. 366, related to payment of assistance to applicant.

Section 1612, Pub. L. 92-318, title VII, §713, June 23, 1972, 86 Stat. 367, related to evaluation of programs and projects assisted under this chapter.

Section 1613, Pub. L. 92-318, title VII, §714, June 23, 1972, 86 Stat. 368; S. Res. 4, Feb. 4, 1977, related to reports to President and Congressional committees.

Section 1614, Pub. L. 92-318, title VII, §715, June 23, 1972, 86 Stat. 368, related to administration of joint funding with respect to programs and projects under this chapter.

Section 1615, Pub. L. 92-318, title VII, §716, June 23, 1972, 86 Stat. 368; Pub. L. 93-380, title VIII, §845(e), Aug. 21, 1974, 88 Stat. 612; Pub. L. 94-43, §3, June 28, 1975, 89 Stat. 233; Pub. L. 94-482, title III, §321(d), Oct. 12, 1976, 90 Stat. 2217, related to establishment of National Advisory Council on Equality of Educational Opportunity.

Section 1616, Pub. L. 92-318, title VII, §717(a), June 23, 1972, 86 Stat. 369, related to applicability of General Education Provisions Act to this chapter.

Section 1617, Pub. L. 92-318, title VII, §718, June 23, 1972, 86 Stat. 369, related to allowance of reasonable attorney's fees respecting a final order by a court against an educational agency, a State, etc., for failure to comply with provisions of this chapter, discrimination on basis of race, etc.

Section 1618, Pub. L. 92-318, title VII, §719, June 23, 1972, 86 Stat. 369, related to effect of this chapter on method of student assignment.

Section 1619, Pub. L. 92-318, title VII, §720, June 23, 1972, 86 Stat. 369; Pub. L. 93-380, title VI, §643(d), Aug. 21, 1974, 88 Stat. 587; Pub. L. 94-482, title III, §321(c)(3), Oct. 12, 1976, 90 Stat. 2217, defined terms used in this chapter.

#### EFFECTIVE DATE OF REPEAL

Section 601(b)(2) of Pub. L. 95-561 provided that the repeal is effective Sept. 30, 1979.

### CHAPTER 37—ASSIGNMENT OR TRANSPORTATION OF STUDENTS

Sec.	
1651.	Prohibition against assignment or transportation of students to overcome racial imbalance.
1652.	Prohibition against busing. <ul style="list-style-type: none"> <li>(a) Use of appropriated funds for busing.</li> <li>(b) Rules, regulations, orders, etc., for busing.</li> <li>(c) "Applicable program" defined.</li> </ul>
1653.	Omitted.
1654.	Intervention authorization in implementation of court orders.
1655.	Uniform rules of evidence of racial discrimination.

Sec.  
1656. Prohibition against official or court orders to achieve racial balance or insure compliance with constitutional standards applicable to entire United States.

**§ 1651. Prohibition against assignment or transportation of students to overcome racial imbalance**

No provision of this Act shall be construed to require the assignment or transportation of students or teachers in order to overcome racial imbalance.

(Pub. L. 92-318, title VIII, §801, June 23, 1972, 86 Stat. 371.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 92-318, June 23, 1972, 86 Stat. 235, as amended, known as the Education Amendments of 1972. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

**§ 1652. Prohibition against busing**

**(a) Use of appropriated funds for busing**

No funds appropriated for the purpose of carrying out any applicable program may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system, except on the express written voluntary request of appropriate local school officials. No such funds shall be made available for transportation when the time or distance of travel is so great as to risk the health of the children or significantly impinge on the educational process of such children, or where the educational opportunities available at the school to which it is proposed that any such student be transported will be substantially inferior to those opportunities offered at the school to which such student would otherwise be assigned under a nondiscriminatory system of school assignments based on geographic zones established without discrimination on account of race, religion, color, or national origin.

**(b) Rules, regulations, orders, etc., for busing**

No officer, agent, or employee of the Department of Education, the Department of Justice, or any other Federal agency shall, by rule, regulation, order, guideline, or otherwise (1) urge, persuade, induce, or require any local education agency, or any private nonprofit agency, institution, or organization to use any funds derived from any State or local sources for any purpose, unless constitutionally required, for which Federal funds appropriated to carry out any applicable program may not be used, as provided in this section, or (2) condition the receipt of Federal funds under any Federal program upon any action by any State or local public officer or employee which would be prohibited by clause (1) on the part of a Federal officer or employee. No officer, agent, or employee of the Department of Education or any other Federal agency

shall urge, persuade, induce, or require any local education agency to undertake transportation of any student where the time or distance of travel is so great as to risk the health of the child or significantly impinge on his or her educational process; or where the educational opportunities available at the school to which it is proposed that such student be transported will be substantially inferior to those offered at the school to which such student would otherwise be assigned under a nondiscriminatory system of school assignments based on geographic zones established without discrimination on account of race, religion, color, or national origin.

**(c) "Applicable program" defined**

An applicable program means a program to which the General Education Provisions Act [20 U.S.C. 1221 et seq.] applies.

(Pub. L. 92-318, title VIII, §802, June 23, 1972, 86 Stat. 371; Pub. L. 96-88, title III, §301, title V, §507, Oct. 17, 1979, 93 Stat. 677, 692.)

REFERENCES IN TEXT

The General Education Provisions Act, referred to in subsec. (c), is title IV of Pub. L. 90-247, Jan. 2, 1968, 81 Stat. 814, as amended, which is classified generally to chapter 31 (§1221 et seq.) of this title. For complete classification of this Act to the Code, see section 1221 of this title and Tables.

TRANSFER OF FUNCTIONS

"Department of Education" substituted for "Department of Health, Education, and Welfare (including the Office of Education)" in subsec. (b) pursuant to sections 301 and 507 of Pub. L. 96-88, which are classified to sections 3441 and 3507 of this title and which transferred functions and offices (relating to education) of Department of Health, Education, and Welfare, including Office of Education, to Department of Education.

**§ 1653. Omitted**

CODIFICATION

Section, Pub. L. 92-318, title VIII, §803, June 23, 1972, 86 Stat. 372, provided that the effectiveness of orders of district courts requiring transfer or transportation of students for purposes of achieving a balance among students with respect to race, sex, religion, or socioeconomic status, be postponed until all appeals in connection with such orders have been exhausted or until expiration of the time for such appeals, expired at midnight on Jan. 1, 1974.

**§ 1654. Intervention authorization in implementation of court orders**

A parent or guardian of a child, or parents or guardians of children similarly situated, transported to a public school in accordance with a court order, may seek to reopen or intervene in the further implementation of such court order, currently in effect, if the time or distance of travel is so great as to risk the health of the student or significantly impinge on his or her educational process.

(Pub. L. 92-318, title VIII, §804, June 23, 1972, 86 Stat. 372.)

**§ 1655. Uniform rules of evidence of racial discrimination**

The rules of evidence required to prove that State or local authorities are practicing racial discrimination in assigning students to public

schools shall be uniform throughout the United States.

(Pub. L. 92-318, title VIII, § 805, June 23, 1972, 86 Stat. 372.)

**§ 1656. Prohibition against official or court orders to achieve racial balance or insure compliance with constitutional standards applicable to entire United States**

The proviso of section 407(a) of the Civil Rights Act of 1964 [42 U.S.C. 2000c-6(a)] providing in substance that no court or official of the United States shall be empowered to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards shall apply to all public school pupils and to every public school system, public school and public school board, as defined by title IV [42 U.S.C. 2000c et seq.], under all circumstances and conditions and at all times in every State, district, territory, Commonwealth, or possession of the United States regardless of whether the residence of such public school pupils or the principal offices of such public school system, public school or public school board is situated in the northern, eastern, western, or southern part of the United States.

(Pub. L. 92-318, title VIII, § 806, June 23, 1972, 86 Stat. 373.)

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in text, is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title IV of the Civil Rights Act of 1964 is classified generally to subchapter IV (§2000c et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

**CHAPTER 38—DISCRIMINATION BASED ON SEX OR BLINDNESS**

Sec.	Sex.
1681.	(a) Prohibition against discrimination; exceptions.
	(b) Preferential or disparate treatment because of imbalance in participation or receipt of Federal benefits; statistical evidence of imbalance.
	(c) "Educational institution" defined.
1682.	Federal administrative enforcement; report to Congressional committees.
1683.	Judicial review.
1684.	Blindness or visual impairment; prohibition against discrimination.
1685.	Authority under other laws unaffected.
1686.	Interpretation with respect to living facilities.
1687.	Interpretation of "program or activity".
1688.	Neutrality with respect to abortion.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1132c-3, 1221, 1231e, 7231, 7232, 7233, 7235, 8066 of this title; title 29 sections 206, 1577; title 42 sections 290cc-33, 300w-7, 300x-57, 708, 1760, 1988, 2000d-7, 5057, 10406, 12635.

**§ 1681. Sex**

**(a) Prohibition against discrimination; exceptions**

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance, except that:

**(1) Classes of educational institutions subject to prohibition**

in regard to admissions to educational institutions, this section shall apply only to institutions of vocational education, professional education, and graduate higher education, and to public institutions of undergraduate higher education;

**(2) Educational institutions commencing planned change in admissions**

in regard to admissions to educational institutions, this section shall not apply (A) for one year from June 23, 1972, nor for six years after June 23, 1972, in the case of an educational institution which has begun the process of changing from being an institution which admits only students of one sex to being an institution which admits students of both sexes, but only if it is carrying out a plan for such a change which is approved by the Secretary of Education or (B) for seven years from the date an educational institution begins the process of changing from being an institution which admits only students of only one sex to being an institution which admits students of both sexes, but only if it is carrying out a plan for such a change which is approved by the Secretary of Education, whichever is the later;

**(3) Educational institutions of religious organizations with contrary religious tenets**

this section shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization;

**(4) Educational institutions training individuals for military services or merchant marine**

this section shall not apply to an educational institution whose primary purpose is the training of individuals for the military services of the United States, or the merchant marine;

**(5) Public educational institutions with traditional and continuing admissions policy**

in regard to admissions this section shall not apply to any public institution of undergraduate higher education which is an institution that traditionally and continually from its establishment has had a policy of admitting only students of one sex;

**(6) Social fraternities or sororities; voluntary youth service organizations**

this section shall not apply to membership practices—

(A) of a social fraternity or social sorority which is exempt from taxation under section